

Message Text

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INFO OCT-01 EUR-12 EA-06 IO-10 ISO-00 CIAE-00 DODE-00

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SP-02 SS-15 NSCE-00 SSO-00 USIE-00 INRE-00 AID-05

CEQ-01 COA-01 COME-00 EB-07 EPA-01 NSF-01 OES-03

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OES/OFA - MR. BUSBY

D/LOS - MR. MOORE

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TO AMEMBASSY SINGAPORE IMMEDIATE

AMEMBASSY JAKARTA IMMEDIATE

AMEMBASSY KUALA LUMPUR IMMEDIATE

AMEMBASSY TOKYO IMMEDIATE

INFO USMISSION USUN NEW YORK

AMEMBASSY LONDON

C O N F I D E N T I A L STATE 011235

E.O. 11652: GDS

TAGS: PLOS, EWWT, IMCO

SUBJECT: POSSIBLE ACTION REGARDING GROUNDING OF
JAPANESE TANKER

1. SUMMARY: JAPANESE TANKER GROUNDED AT JUNCTURE OF
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STRAITS OF MALACCA AND SINGAPORE RESULTING IN OIL SPILL

AND POSSIBILITY OF UNILATERAL ACTION BY MALAYSIA, INDONESIA AND SINGAPORE TO CONTROL TANKER TRAFFIC IN STRAITS. THEY HAVE EARLIER DISCUSSED IMPOSING 200,000 DEADWEIGHT TON LIMIT. DEPT REQUESTING EMBASSIES JAKARTA, KUALA LUMPUR AND SINGAPORE AND JAPANESE GOVERNMENT REACTIONS TO SUGGESTING TO INDONESIA POSSIBILITY OF CONSIDERATION OF QUESTION IN APPROPRIATE IMCO FORUM FOR APPROVAL OF LIMITS ON TANKERS IN STRAITS RECOMMENDED BY STATES BORDERING STRAITS OF MALACCA AND SINGAPORE AS AN INTERNATIONAL APPROACH TO SOLVING PROBLEM. END SUMMARY.

2. JAPANESE TANKER SHOWA MARU WENT AGROUND AT JUNCTURE OF STRAITS OF MALACCA AND SINGAPORE ON JANUARY 5, SPILLING 3500 TONS OF CRUDE OIL. VESSEL IS 237,000 DEADWEIGHT TON TANKER FLYING JAPANESE FLAG.

3. MALAYSIA AND INDONESIA HAVE BEEN SERIOUSLY CONCERNED FOR SEVERAL YEARS WITH POLLUTION DANGER PRESENTED BY

PASSAGE OF VERY LARGE CRUDE CARRIERS THROUGH STRAIT OF MALACCA. THEY HAVE CONTINUALLY THREATENED TO IMPOSE REGULATIONS UNILATERALLY ON PASSAGE THROUGH STRAITS INCLUDING LIMITATION TO TANKERS OF LESS THAN 200,000 DEADWEIGHT TONS. THEY HAVE ALSO ARGUED FOR UNILATERAL RIGHT TO IMPOSE OTHER CONDITIONS ON NAVIGATION, INCLUDING WARSHIP TRANSITS. THEY HAVE NOT TAKEN ACTION DUE AT LEAST PARTLY TO STRONG REPRESENTATIONS BY U.S., USSR AND UK THAT QUESTION OF RIGHT TO TRANSIT STRAITS SHOULD BE SETTLED IN LAW OF THE SEA CONFERENCE, AND STRONG OPPOSITION TO UNILATERAL COASTAL STATE REGULATION IN STRAITS USED FOR INTERNATIONAL NAVIGATION. U.S. POSITION IN LOS NEGOTIATIONS IS THAT A SPECIAL REGULATION FOR SAFETY OR ENVIRONMENTAL PROTECTION WHICH MAY BE REQUIRED BY SPECIAL CIRCUMSTANCES OF PARTICULAR STRAIT USED FOR INTERNATIONAL NAVIGATION SHOULD BE FORMULATED BY COASTAL STATE OR STATES BORDERING ON STRAIT AND RECOMMENDED TO IMCO FOR APPROVAL. SPECIAL STANDARDS WOULD TAKE EFFECT ONLY AFTER APPROVAL BY NORMAL IMCO APPROVAL PROCESS. WE HAVE INDICATED TO INDO-CONFIDENTIAL

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NESIANS IN THE ARCHIPELAGO-STRAITS NEGOTIATION AND WISH TO REITERATE THAT WE WOULD ALSO BE PLEASED TO WORK WITH THEM AT ANY TIME, EVEN BEFORE LOS CONFERENCE IF THEY FEEL IT APPROPRIATE, TO SUPPORT WITHIN APPROPRIATE FORA IN IMCO PLANS FOR SPECIAL REQUIREMENTS SUCH AS DRAFT LIMITATIONS ON TANKERS WHICH MAY BE REQUIRED IN MALACCA STRAITS. INDONESIANS ARE SENSITIVE THAT AN INTERNATIONAL PROCESS NOT BE INTERPRETED AS

FORCING STANDARDS ON ADJACENT STRAIT STATES. OUR CONCERN IS TO ENSURE THAT THERE BE NO COASTAL STATE SPECIAL STANDARDS WITHOUT IMCO APPROVAL. THIS, IN GENERAL, HAS SEEMED ACCEPTABLE TO THE INDONESIANS AND WE ARE HOPEFUL THAT THIS INCIDENT CAN BE USED TO ILLUSTRATE HOW THIS SYSTEM COULD WORK TO INDONESIAN ADVANTAGE RATHER THAN BECOME A SOURCE OF DIFFICULTY IN ARCHIPELAGO-STRAITS NEGOTIATIONS.

4. DEPARTMENT IS CONCERNED THAT GROUNDING INCIDENT WILL LEAD TO UNILATERAL ACTION AT LEAST BY INDONESIA AND MALAYSIA OR TO HARDENING OF INDONESIA POSITION IN ARCHIPELAGO-STRAITS NEGOTIATION. IN ORDER TO ATTEMPT TO LESSEN POSSIBILITY OF UNILATERAL ACTION OR HARDENING OF POSITIONS AND TO ATTEMPT TO GIVE CONCRETE EXAMPLE OF INTERNATIONAL APPROACH TO THIS PROBLEM WE WOULD BE WILLING TO SUPPORT APPROPRIATE REASONABLE RECOMMENDATIONS WITHIN IMCO PROPOSED BY INDONESIA OR COASTAL STATES BORDERING MALACCA STRAIT ACTING TOGETHER. FOLLOWING DRAFT STATEMENT PROVIDES ILLUSTRATION OF EXAMPLE OF RECOMMENDATION INDONESIA MIGHT WISH TO

CONSIDER SUBMITTING TO IMCO.

5. DRAFT STATEMENT: THE INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION, NOTING WITH REGRET AND CONCERN THE GROUNDING OF THE TANKER SHOWA MARU IN THE STRAITS OF MALACCA AND SINGAPORE, NOTING THE RECOMMENDATION OF STATES BORDERING THE STRAIT OF MALACCA FOR SPECIAL STANDARDS CONCERNING DRAFTS OF TANKERS USING THE MALACCA STRAIT, HAVING REVIEWED INFORMATION REGARDING DEPTH AND OTHER SPECIAL NAVIGATION CONDITIONS IN THE STRAITS, RECOGNIZING THE LEGITIMATE ENVIRONMENTAL

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MENTAL CONCERNS OF THE STATES BORDERING THESE STRAITS AND THE IMPORTANCE OF THESE STRAITS TO INTERNATIONAL NAVIGATION, BELIEVING THAT ACTION IS REQUIRED TO PREVENT FURTHER INCIDENTS OF THIS NATURE:

1. CALLS UPON ALL STATES, AS AN URGENT INTERIM MEASURE, TO AVOID ROUTING TANKERS WITH DRAFTS IN EXCESS OF SUCH LIMITS AS MAY BE RECOMMENDED BY IMCO RELATING TO CHANNEL CHARACTERISTICS THROUGH THE STRAITS OF MALACCA AND SINGAPORE AND TO UTILIZE ALTERNATIVE ROUTES FOR VESSELS OF DEEPER DRAFT;
2. RECOMMENDS THE DEVELOPMENT OF DRAFT LIMITATIONS ON TANKERS TRANSITING THE STRAITS OF MALACCA AS REQUESTED BY THE STATES BORDERING THE STRAIT OF

MALACCA;

3. PLEDGES TO COOPERATE WITH AND TO ASSIST THOSE STATES IN THE DEVELOPMENT AND ELABORATION OF SUCH MEASURES TO ENSURE APPLICATION AND BROAD ACCEPTANCE OF THE MEASURES;

4. INVITES THE CONCERNED STATES TO INFORM THE SECRETARY-GENERAL OF THE INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION OF STEPS TAKEN PURSUANT TO THIS STATEMENT; AND

5. REQUESTS THE SECRETARY-GENERAL TO TAKE APPROPRIATE STEPS FOR IMPLEMENTATION OF THE MEASURES CALLED FOR IN THIS STATEMENT.

6. U.S. IS SINCERELY CONCERNED WITH PRESENT PROBLEM AND WITH NEED FOR LONG-TERM SOLUTION TO ENSURE COMPLIANCE WITH NECESSARY REGULATIONS. U.S. INTENDS TO MAKE BROADER EFFORT IN IMCO TO ADDRESS ON TECHNICAL GROUNDS THE PROBLEM ASSOCIATED WITH DEEP DRAFT VESSELS TRAVERSING CONFINED WATERS. USG VIEW IS THAT SEVERAL IMCO FORA HAVE REQUISITE CHARTER AND EXPERTISE TO

UNDERTAKE COMPREHENSIVE TECHNICAL STUDY OF SUCH A NATURE AND, IN FACT, ARE CONSTRAINED TO DO SO BY DEVELOPMENTS
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IN TANKER OPERATIONS WORLDWIDE.

7. FOR TOKYO: EMBASSY REQUESTED TO GIVE COPY OF DRAFT STATEMENT TO LOS AND IMCO CONTACTS IN GOJ, INDICATE OUR CONCERN AND REQUEST THEIR COMMENTS ON POSSIBILITY OF CIRCULATING DRAFT STATEMENT TO INDONESIA AND POSSIBLY MALAYSIA AND SINGAPORE AS WELL. IN ADDITION, EMBASSY SHOULD STRESS THAT WE ARE SERIOUSLY CONCERNED THAT INCIDENT COULD CAUSE SEVERE HARDENING OF POSITIONS OF INDONESIA AND MALAYSIA ON ARCHIPELAGO AND STRAITS ISSUES AND SPUR IMMEDIATE UNILATERAL ACTION, PERHAPS MAKING AGREEMENT ON ISSUES IMPOSSIBLE IN LOS NEGOTIATIONS. WE FEEL RAPID ACTION TOWARD INTERNATIONAL SOLUTION REQUIRED TO ATTEMPT TO AVOID UNILATERAL ACTIONS. IF IT APPEARS THAT UNILATERAL ACTION IS PROBABLE AND THAT A MOVE TOWARD INTERNATIONAL ACTION COULD BE HELPFUL, WE FEEL SUPPORT BY JAPAN FOR SUCH A SOLUTION AND JAPANESE WILLINGNESS TO ACCEPT DRAFT RESTRICTIONS COULD BE CRITICAL. DEPT FEELS THAT RAPID ACTION WILL BE REQUIRED IF IT IS DECIDED TO MOVE AHEAD AFTER RECEIVING ADVICE FROM EMBASSIES AND THUS REQUEST RESPONSE FROM EMBASSY BY OPENING OF BUSINESS MONDAY JANUARY 20, WASHINGTON TIME.

8. FOR JAKARTA, KUALA LUMPUR AND SINGAPORE: DEPT REQUESTS EMBASSIES' ASSESSMENTS AS TO WHETHER UNILATERAL ACTION LIKELY AND, IF SO, WHETHER APPROACH OF TYPE OUTLINED ABOVE WOULD BE USEFUL IN HEADING IT OFF. IF SUCH APPROACH WERE TO BE MADE, IT WOULD NOT BE IN CONTEXT OF U.S. ATTEMPT TO FORCE IMCO ACTION ON COASTAL STATES BUT RATHER AS AN EFFORT TO UNDERSCORE U.S. PROPOSAL MADE TO INDONESIANS IN CONTEXT OF ARCHIPELAGO-STRAITS NEGOTIATION AS APPROPRIATE WAY OF ESTABLISHING ANY SPECIAL STANDARDS NEEDED FOR MALACCA AND SINGAPORE STRAITS -- I.E., THE COASTAL STATES BORDERING THE STRAIT RECOMMEND THE APPROPRIATE DRAFT LIMITATIONS TO IMCO FOR INTERNATIONAL APPROVAL. IDEAL SITUATION WOULD BE FOR ONE OR ALL OF THE THREE COASTAL STATES TO PROPOSE OR AT LEAST TO CO-SPONSOR SUCH INITIATIVE TO IMCO. INDONESIA, OF COURSE, IS MEMBER OF IMCO COUNCIL AND ACTIVE IN IMCO GENERALLY. AS TECHNICAL MATTER, STATEMENT IS RELATED TO VESSEL DRAFT RATHER THAN TO OVERALL LIMITA-
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TION SUCH AS 200,000 DEADWEIGHT TON MAXIMUM SINCE LARGE TANKERS VARY CONSIDERABLY IN THEIR CHARACTERISTICS AND REAL OBJECTIVE IS TO ENSURE THAT TANKERS OF SAFE DRAFT TRANSIT THE STRAITS. REQUEST EMBASSIES RESPONSE BY OPENING OF BUSINESS MONDAY JANUARY 20, WASHINGTON TIME.
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